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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,515	05/03/2001	Matti Kantola	617-010289-US(PAR)	7554
2512	7590	09/02/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			DAO, MINH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/848,515	<b>Applicant(s)</b> KANTOLA ET AL.	
	<b>Examiner</b> MINH D. DAO	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

1. Claims 1,3,5-14,16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang (US 5,917,913).

Regarding claim 1, Wang teaches a portable communications device (see fig. 2; item 200 (PEAD)) comprising communication means (see fig. 6B, item 662, Infrared Transceiver) for communicating with a second device (see fig. 2, Requesting Device 202 of the Electronic Transaction System 102), and identification means (see fig. 4, user Identification Data 410), separate from the communication means, the identification means arranged to provide information on the portable communications device (see col. 4, lines 41-55), wherein the information from the identification means is obtainable by the second device (see col. 4, lines 41-55), and in use, is used to establish communication between the communication means and the second device (see col. 4, lines 41-65).

Regarding claim 5, Wang teaches a portable communications device as claimed in claim 1, wherein the identification means comprises a radio frequency tag (see fig. 4, item 410).

Regarding claims 6 and 7, Wang teaches a portable communications device as claimed in claims 1 and 6 respectively, wherein the magnetic data carrying arrangement comprises a magnetic strip (see col. 2, lines 5-12).

Regarding claim 8, Wang teaches a portable communications device as claimed in claim 1, wherein the information provided by the identification means comprises one or more of the following: Identity of the device; address of the device when the communication means are used; and identity of the user (see col. 4, lines 56-65).

Regarding claim 9, Wang teaches a portable communications device as claimed in claim 1, wherein the device is one of the following devices: point of sale device; ticket gate device; and information kiosk (see fig. 2, item 102).

Regarding claim 10, Wang teaches a portable communications device as claimed in claim 1, wherein the established communication with the second device is a wireless link (see col. 4, lines 31-40).

Regarding claim 11, Wang teaches a portable communications device as claimed in claim 10, wherein the wireless link is a high frequency link (see col. 4, lines 31-40).

Regarding claims 12 and 13, Wang inherently teaches a portable communications device as claimed in claim 11 wherein the wireless link a high frequency Bluetooth link since the portable communications device of Wang is already operates as a short-range device.

Regarding claim 14, Wang teaches a portable communications device as claimed in claim 10, wherein the wireless link is an infrared link (see col. 4, lines 31-40).

Regarding claim 16, the claim has the same limitations as that of claim 1, therefore claim 16 is interpreted and rejected for the same reasons set forth above and in the rejection of claim 1.

Regarding claim 17, the claim has the same limitations as that of claim 1, therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claim 18, Wang teaches a method as claimed in claim 17, wherein the second device comprises a portable communications device (see col. 4, lines 8-29).

Regarding claim 19, the claim has the same limitations as that of claim 15, therefore is interpreted and rejected for the same reason set forth in the rejection of claim 15.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 5,917,913) in view of McGregor et al. (US 5,625,669).

Regarding claims 2-4, Wang teaches all limitations of claim 1. However, Wang fails to teach that the bar code is arranged on the exterior of the communications device (including on the display of the device). McGregor, in an analogous art, teaches a bar code that is arranged on the exterior of a communications device (col. 20, lines 19-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching McGregor to Wang in order to have various ways of providing identification information.

Regarding claim 15, the combination of Wang and McGregor teaches a portable communications device as claimed in claim 1, wherein the communications device is a mobile telephone (see figs. 1-3 of McGregor).

***Response to Arguments***

4. Applicant's arguments filed 08/11/2005 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao   
Art Unit 2682  
August 23, 2005

  
NICK CORSARO  
PRIMARY EXAMINER